

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS BRYANT,

Plaintiff,

-against-

18 CIVIL 10198 (KMK)

JUDGMENT

MICHAEL CAPRA, Superintendent; MS. HICKSON,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 1, 2021, Defendants' Motion To Dismiss is granted. Plaintiff's claims are dismissed with prejudice. This is the second time adjudicating his claims, and Plaintiff has not fixed the problems identified by the Court in the January Opinion. See Denny v. Barber, 576 F.2d 465, 471 (2d Cir. 1978) (holding that the plaintiff was not entitled to "a third go-around"); Melvin v. County of Westchester, No. 14-CV-2995, 2016 WL 1254394, at *24 n.19 (S.D.N.Y. Mar. 29, 2016) (granting motion to dismiss with prejudice where "[the] [p]laintiff has already had two bites at the apple, and they have proven fruitless" (citation, alterations and quotation marks omitted)); accordingly, this case is closed.

Dated: New York, New York

February 2, 2021

RUBY J. KRAJICK

BY:

Clerk of Court

K. Mango

Deputy Clerk